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21 Attorneys for Cross-Defendant  
22 ART HALE, an individual

23  
24 UNITED STATES DISTRICT COURT  
25  
26 CENTRAL DISTRICT OF CALIFORNIA

27 KB GARDENA BUILDING, LLC, a  
28 California Limited Liability  
Corporation,

29 Plaintiffs,

30 v.

31 WHITTAKER CORPORATION, a  
32 Delaware Corporation, BRASSCRAFT  
33 MANUFACTURING COMPANY, a  
34 Michigan Corporation; BIG "B"  
35 TRANSPORTION, INC., a suspended  
36 California Corporation, ALPHONSE  
37 VANBASTELAAR, an individual,  
38 INTERNATIONAL TRUCK AND  
39 TRANSFER, INC., a California  
40 Corporation; A&M LUMBER AND  
41 BUILDING SUPPLY COMPANY, a  
42 business entity, form unknown; A&M  
43 LUMBER & WRECKING  
44 COMPANY, a business entity, form  
45 unknown; A&M FENCE COMPANY,  
46 a business entity, form unknown;  
47 CHROMIZING COMPANY, a

48 Case No. EDCV08-0600 RWG (JCRx)

49  
50 **DECLARATION OF TODD M.**  
51 **LANDER IN OPPOSITION TO**  
52 **MOTION FOR SUMMARY**  
53 **JUDGMENT**

54 Judge Assigned: Hon. Robert W.  
55 Gentleman

56 [Concurrently filed with: Opposition to  
57 Motion for Summary Judgment;  
58 Responsive Statement of Genuine Issues;  
59 Separate Statement of Additional Facts in  
60 Dispute and Conclusions of Law;  
61 Declaration of Art Hale, Jr.; Declaration  
62 of Anthony Cincotta; and Declaration of  
63 Robert L. Handler]

1 suspended California corporation;  
2 CHROMALLOY AMERICAN  
3 CORPORATION, a Delaware  
4 Corporation; Estate of ARTHUR H.  
5 KAPLAN, deceased; ROSE MAY  
6 KAPLAN, an individual; STANLEY  
7 BLACK, an individual; JOYCE  
8 BLACK, an individual; KB  
9 MANAGEMENT COMPANY, a  
10 California general partnership; JACK  
11 D. BLACK, an individual; JANIS  
12 (GOLDMAN) BLACK TRUST, a  
13 California Trust; JILL BLACK, an  
14 individual; K ASSOCIATES, a  
15 California general partnership; and  
16 A&R MANAGEMENT AND  
17 DEVELOPMENT CO., a business  
18 entity, form unknown ANSEN, INC., a  
19 suspended California Corporation;  
20 AMERICAN RACING EQUIPMENT,  
21 INC., a Delaware Corporation;  
22 AMERICAN RACING EQUIPMENT,  
23 LLC

13 Defendants.

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15 AMERICAN RACING EQUIPMENT,  
16 LLC, a Delaware Limited Liability  
17 Company,

18 Cross Claimant,

19 v.

20 WHITTAKER CORPORATION, a  
21 Delaware corporation; BRASSCRAFT  
22 MANUFACTURING COMPANY, a  
23 Michigan Corporation; BIG "B"  
24 TRANSPORTATION, INC., a  
25 suspended California Corporation;  
26 ALPHONSE VANBASTELAAR, an  
27 individual; Estate of ARTHUR H.  
28 KAPLAN, deceased; ROSE MAY  
KAPLAN, an individual; STANLEY  
BLACK, an individual; JOYCE  
BLACK, an individual; JACK D.  
BLACK, an individual; JILL BLACK,  
an individual; JANIS (GOLDMAN)  
BLACK TRUST, a California trust; KB  
MANAGEMENT COMPANY, a  
California general partnership; K  
ASSOCIATES, a California general  
partnership; and A&R  
MANAGEMENT AND

1 DEVELOPMENT CO., a business  
2 entity, form unknown, ART HALE, an  
3 individual; ANSEN, INC., a suspended  
California Corporation; LOUIS  
SENTER, an individual.

4 Cross Defendants.

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6 AMERICAN RACING EQUIPMENT,  
7 LLC a Delaware Limited Liability  
8 Company,

9 Counter-Claimant,

10 v.

11 KB GARDENA BUILDING, LLC, a  
12 California Limited Liability  
Corporation,

13 Counter Defendant

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1 I, Todd M. Lander, declare that:

2 1. I am an attorney duly licensed to practice law in the state of  
3 California, and I am a partner with the law firm of Ezra, Brutzkus, Gubner, LLP  
4 (“EBG”), counsel of record in this matter for ART HALE, an individual. All the  
5 facts set forth below are known to me personally to be true, unless stated to be on  
6 information and belief, and if called upon to do so I could and would testify to  
7 them under oath.

8 2. Attached hereto as Exhibit 1 are true and correct copies of excerpts of  
9 the Deposition of Arthur Art Hale (“HALE”), taken August 11, 2009. I was  
10 present at this deposition and declare that Exhibit 1 hereto is in fact true and  
11 correct copies of excerpts of the identified deposition.

12 3. Attached hereto as Exhibit 2 is a true and correct copy of the Option  
13 Agreement dated February 11, 1988, which was produced in this action by  
14 Defendants, Cross-Claimant, and Counter-Claimant American Racing Equipment,  
15 LLC (“ARE”), Bates numbered ARE 001 – ARE 0197, and which document is  
16 attached as Exhibit A to the Declaration of Noel Wise in support of ARE’s Motion  
17 for Summary Judgment.

18 4. Attached hereto as Exhibit 3 is a true and correct copy of documents  
19 Bates numbered ARE 0293 and ARE 0294, entitled “Acceptance of Deposit” and  
20 “Schedule A,” respectively, which documents were produced in this action by  
21 ARE.

22 5. Attached hereto as Exhibit 4 is a true and correct copy of the  
23 Agreement of Purchase and Sale dated March 12, 1975, Bates numbered WHI  
24 00002277 through WHI 0002321, which document was produced in this matter by  
25 Defendant WHITTAKER CORPORATION (“WHITTAKER”).

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1       6. Attached hereto as Exhibit 5 is a true and correct copy of the Guaranty  
2 dated March 12, 1975, Bates numbered WHI 00002504 through WHI 00002507,  
3 which document was produced in this matter by WHITTAKER.

4       7. Attached hereto as Exhibit 6 is a true and correct copy of a letter dated  
5 May 5, 2009, from Kimberly D. Lewis of Ervin Cohen & Jessup LLP to HALE,  
6 which letter was reviewed by me upon delivery of the letter by HALE to my office.

7       8. Attached hereto as exhibit 7 is a true and correct copy of a letter dated  
8 July 15, 2009, from Kimberly D. Lewis of Ervin Cohen & Jessup LLP to Robert L.  
9 Handler and me.

10       9. Attached hereto as Exhibit 8 is a true and correct copy of an email  
11 dated March 9, 2010, from me to Kimberly Lewis with a copy to Robert Handler,  
12 including the attached Notice and Acknowledgment of Receipt accepting service  
13 of process on behalf of HALE, in his capacity as former president of Ansen, Inc.  
14 only. My office did not accept service on behalf of Ansen, Inc.'s behalf,  
15 something I made clear in my email to Ms. Lewis.

16       10. Attached hereto as Exhibit 9 is a true and correct copy of a letter dated  
17 May 3, 2010, from David A. Giannotti to HALE and to Robert Handler of this  
18 office, which letter was subsequently also provided to me by Mr. Handler.

19       11. Attached hereto as Exhibit 10 is a true and correct copy of a letter  
20 dated June 11, 2010, from Robert Handler to David Giannotti, which letter was  
21 also copied to me.

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1 I declare under penalty of perjury under the laws of the United States of  
2 America that the foregoing is true and correct. Executed this 13<sup>th</sup> day of October,  
3 2010.

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5 Todd M. Lander  
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